

Senate Daily Reader

Monday, February 22, 1999

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State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

995C0139

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB1076** - 2/19/99

Introduced by: Representatives Haley, Cutler, Koetzle, and Lucas and Senators Daugaard, Everist, Hutmacher, Kloucek, Moore, and Olson

1 FOR AN ACT ENTITLED, An Act to appropriate federal funds for the continuation of the
2 Visitation Enforcement Program Implementation Task Force.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby annually appropriated to the Unified Judicial System one hundred
5 thousand dollars (\$100,000) of federal fund authority for acceptance of a grant from the
6 Department of Social Services of moneys obtained from Part D of Title IV (U.S.C. 651-669),
7 as amended, in order to continue the operations of the Visitation Enforcement Program
8 Implementation Task Force, created by Chapter 150 of the 1997 South Dakota Session Laws.
9 The Unified Judicial System may expend no more than five thousand dollars of this appropriation
10 to pay any expenses of the task force.

11 Section 2. The state court administrator shall approve vouchers and the state auditor shall
12 draw warrants to pay expenditures authorized by this Act.

1 **BILL HISTORY**

2 1/19/99 First read in House and referred to Appropriations. H.J. 85

3 1/26/99 Scheduled for Committee hearing on this date.

4 1/26/99 Appropriations Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 184

5 1/28/99 House of Representatives Do Pass Amended, Passed, AYES 67, NAYS 2. H.J. 251

6 1/29/99 First read in Senate and referred to Appropriations. S.J. 265

7 2/3/99 Scheduled for Committee hearing on this date.

8 2/18/99 Scheduled for Committee hearing on this date.

9 2/18/99 Appropriations Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 536

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

933C0058

HOUSE ENGROSSED NO. **HB1098** - 1/29/99

Introduced by: Representatives Diedrich (Larry), Cutler, Eccarius, Koskan, Lintz, McNenny,
and Napoli and Senators Drake, Brosz, Dennert, Halverson, and Madden

1 FOR AN ACT ENTITLED, An Act to revise the procedure for authorizing a bond issue
2 involving two or more political subdivisions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 6-3-3 be amended to read as follows:

5 6-3-3. The governing body of each participating political subdivision may appropriate money
6 or may also issue the general obligation bonds of the subdivision, as provided in chapter 6-8B
7 for the authorization, issuance, and sale of bonds, for the payment of its share of the cost of the
8 building or improvement; ~~provided, that no.~~ No bonds may be issued until provision has been
9 made by each of the other participating subdivisions for the payment of ~~their shares~~ the
10 subdivision's share of the cost ~~and a majority of all voters voting on the bond issue authorize it.~~

11 Section 2. That § 6-3-5 be amended to read as follows:

12 6-3-5. In the event that the proposition of issuing bonds of any of the participating
13 subdivisions for the purposes of §§ 6-3-1 to 6-3-8, inclusive, fails to carry by the requisite
14 ~~majority~~ vote, such proposition may be resubmitted by the governing body at any time, with the
15 consent of the governing bodies of the other participating subdivisions.

1 **BILL HISTORY**

2 1/21/99 First read in House and referred to Taxation. H.J. 109

3 1/26/99 Scheduled for Committee hearing on this date.

4 1/26/99 Taxation Do Pass, Passed, AYES 9, NAYS 4. H.J. 185

5 1/27/99 Motion to Amend, Passed. H.J. 222

6 1/27/99 House of Representatives Do Pass Amended, Failed, AYES 32, NAYS 36. H.J. 222

7 1/28/99 House of Representatives Reconsidered, AYES 41, NAYS 28. H.J. 237

8 1/28/99 House of Representatives Do Pass Amended, Passed, AYES 39, NAYS 30.

9 1/28/99 Intent to reconsider. H.J. 239

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

707C0457

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1116** - 2/19/99

Introduced by: Representatives Duenwald, Apa, Brown (Jarvis), Fryslie, Jaspers, Lintz, Napoli, Putnam, and Wetz and Senators Madden, Albers, and Flowers

1 FOR AN ACT ENTITLED, An Act to establish certain civil penalties for overweight vehicle
2 violations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-22-55 be amended to read as follows:

5 32-22-55. Any person who is convicted of the offense of operating a motor vehicle upon the
6 public highways of this state with weight upon any wheel, axle, or groups of axles, or upon more
7 than one thereof, greater than the maximum permitted by §§ 32-22-2 to 32-22-33, inclusive,
8 32-22-47 and 32-22-48 ~~shall be fined in addition to, and not in substitution for, any other~~
9 ~~penalties now provided by law for such offense,~~ in addition to any criminal penalty provided by
10 law for such offense, shall be assessed a civil penalty in the following amounts:

11 (1) In an amount equal to five cents per pound for each pound of such excess or
12 combined excess weight over one thousand pounds if such excess is three thousand
13 pounds or less;

14 (2) In an amount equal to ten cents per pound for each pound of such excess or combined
15 excess weight if such excess exceeds three thousand pounds and is four thousand
16 pounds or less;

1 (3) In an amount equal to fifteen cents per pound for each pound of such excess or
2 combined excess weight if such excess exceeds four thousand pounds and is five
3 thousand pounds or less;

4 (4) In an amount equal to twenty-five cents per pound for each pound of such excess or
5 combined excess weight if such excess is more than five thousand pounds.

6 The ~~fine~~ civil penalty schedule in this section is assessed at a single rate according to the
7 cents per pound penalty for the highest weight violation.

8 Section 2. Any civil penalty assessed pursuant to § 32-22-55 shall be treated as a fine
9 collected for violations of state laws and shall be paid to the treasurer of the county in which
10 imposed and distributed among and between all of the several public schools incorporated in
11 such county in proportion to the number of children in each, of school age, as fixed by law
12 pursuant to Article VIII, section 3, of the South Dakota Constitution.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Transportation. H.J. 127

3 1/27/99 Scheduled for Committee hearing on this date.

4 1/27/99 Transportation Deferred to another day.

5 2/1/99 Scheduled for Committee hearing on this date.

6 2/3/99 Scheduled for Committee hearing on this date.

7 2/3/99 Transportation Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 344

8 2/5/99 House of Representatives Do Pass Amended, Passed, AYES 52, NAYS 10. H.J. 404

9 2/8/99 First read in Senate and referred to Transportation. S.J. 382

10 2/11/99 Scheduled for Committee hearing on this date.

11 2/16/99 Scheduled for Committee hearing on this date.

12 2/18/99 Scheduled for Committee hearing on this date.

13 2/18/99 Transportation Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 539

14 2/18/99 Transportation Place on Consent Calendar.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

592C0376

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1144** - 2/8/99

Introduced by: Representatives Hunt, Crisp, Jaspers, McIntyre, Smidt, and Weber and Senators
Frederick, Albers, Brown (Arnold), and Flowers

1 FOR AN ACT ENTITLED, An Act to increase the annual front footage assessment for certain
2 township road maintenance and repairs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-13-51 be amended to read as follows:

5 31-13-51. The township board of supervisors, prior to the assessment of real property within
6 the township for the next fiscal year, may levy annually for the purpose of maintaining or
7 repairing street ~~surfacing or pavement~~ surfaces, whether of a permanent type or not, a special
8 front foot assessment not to exceed ~~forty~~ eighty cents per front foot upon the real property
9 fronting and abutting ~~thereon~~ the roadway. Such assessment shall be apportioned on a front foot
10 basis and shall be levied pursuant to § 31-13-52.

1 **BILL HISTORY**

2 1/25/99 First read in House and referred to Local Government. H.J. 173

3 2/2/99 Scheduled for Committee hearing on this date.

4 2/4/99 Scheduled for Committee hearing on this date.

5 2/4/99 Local Government Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 388

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

456C0152

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1176** - 2/19/99

Introduced by: Representatives Apa, Diedrich (Larry), and Napoli and Senators Flowers,
Lawler, and Staggers

1 FOR AN ACT ENTITLED, An Act to require an applicant to pay the actual costs of postage
2 and handling for mailing license plates and stickers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-5-82 be amended to read as follows:

5 32-5-82. On receipt of any application under §§ 32-5-2 and 32-5-3, the county treasurer,
6 ~~except as provided in this chapter,~~ shall deliver to the owner, ~~without expense to the applicant,~~
7 ~~or, upon request by the applicant and upon the payment by the applicant of a fee of three dollars~~
8 ~~when number plates and stickers are required or fifty cents when only number stickers are~~
9 ~~required for each motor vehicle registered, shall forward by mail or express to the owner, two~~
10 ~~number plates or two number stickers, or both, which.~~ The plates or stickers shall bear the
11 distinctive number contained in the application as mentioned in § 32-5-81. The applicant may
12 request the county treasurer to mail the plates or stickers for a fee. If the applicant requests that
13 the plates or stickers be express mailed, the applicant shall pay the actual costs of postage and
14 handling. All fees received by the county treasurer for mailing or expressing of the plates or
15 stickers shall be deposited by the treasurer in the county general fund.

16 Section 2. That § 32-9-7 be amended to read as follows:

1 32-9-7. On receipt of an application under § 32-9-6 and payment of the commercial motor
2 vehicle fee, required by this chapter, and upon satisfactory evidence that the applicant has
3 complied with all laws, rules, and regulations of this state covering motor vehicles and motor
4 carriers, and if a motor carrier for hire, that the applicant has received from the public utilities
5 commission a certificate, permit, or registration under chapter 49-28, the county treasurer shall
6 issue to the applicant a receipt which shall identify the motor vehicle, trailer, or semitrailer, and
7 shall assign to it a number, which shall be endorsed upon the application and receipt, and shall
8 issue to the applicant a commercial motor vehicle certificate bearing the number. The certificate
9 shall be placed and carried in the vehicle in a conspicuous place and is subject to examination
10 upon demand by any officer of this state, county, or municipality. The county treasurer shall issue
11 to the applicant two commercial motor vehicle plates for each motor vehicle. The applicant may
12 request the county treasurer to mail the plates for a fee of three dollars or the stickers for a fee
13 ~~of fifty cents.~~ If the applicant requests that the plates be mailed, the applicant shall pay the actual
14 costs of postage and handling. If the applicant requests that the plates or decals be express
15 mailed, the applicant shall pay any costs for the express mailing service. The plates shall set forth
16 the amount of gross weight in figures, and shall be in colors and designs for each classification
17 specified in § 32-9-15. The plates shall be securely fastened to the front and rear end of each
18 commercial motor vehicle in a conspicuous place. The county treasurer shall deposit in the
19 county general fund any fees received for mailing or expressing the plates or stickers. A violation
20 of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/26/99 First read in House and referred to Local Government. H.J. 193

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 Local Government Do Pass, Passed, AYES 13, NAYS 0. H.J. 388

5 2/8/99 House of Representatives Deferred to another day. H.J. 420

6 2/10/99 Motion to Amend, Passed. H.J. 465

7 2/10/99 House of Representatives Do Pass Amended, Passed, AYES 65, NAYS 2. H.J. 465

8 2/10/99 House of Representatives Title Amended Passed. H.J. 466

9 2/11/99 First read in Senate and referred to Transportation. S.J. 454

10 2/18/99 Scheduled for Committee hearing on this date.

11 2/18/99 Transportation Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 539

12 2/18/99 Transportation Place on Consent Calendar.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

329C0558

SENATE COMMERCE COMMITTEE ENGROSSED NO. **HB1177** - 2/19/99

Introduced by: Representatives Fischer-Clemens, Brown (Jarvis), Duniphan, Garnos, Napoli, and Wilson and Senators Daugaard, Everist, Flowers, Hainje, and Moore

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Examiners of Psychologists to
2 dismiss certain complaints.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-27A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 If the board determines that any complaint was frivolous or clearly unfounded in fact, the
7 board may dismiss the complaint and, by separate and unanimous vote of the board, may
8 expunge such complaint from the record of the licensee.

1 **BILL HISTORY**

2 1/26/99 First read in House and referred to Commerce. H.J. 193

3 2/9/99 Scheduled for Committee hearing on this date.

4 2/9/99 Commerce Do Pass, Passed, AYES 13, NAYS 0. H.J. 428

5 2/9/99 Commerce Place on Consent Calendar.

6 2/10/99 House of Representatives Do Pass, Passed, AYES 66, NAYS 0. H.J. 463

7 2/11/99 First read in Senate and referred to Commerce. S.J. 454

8 2/18/99 Scheduled for Committee hearing on this date.

9 2/18/99 Commerce Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 540

10 2/18/99 Commerce Place on Consent Calendar.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

709C0706

SENATE EDUCATION COMMITTEE ENGROSSED NO. **HB1186** - 2/19/99

Introduced by: Representatives Hunt and Cerny and Senators Frederick and Lange

1 FOR AN ACT ENTITLED, An Act to restrict access by minors to obscene materials on certain
2 public access computers and to limit liability for certain related actions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any public school that provides a public access computer shall do one or both of
5 the following:

6 (1) Equip the computer with software that will limit minor's ability to gain access to
7 obscene materials or purchase internet connectivity from an internet service provider
8 that provides filter services to limit access to obscene materials;

9 (2) Develop and implement by January 1, 2001, a local policy that establishes measures
10 to restrict minors from computer access to obscene materials.

11 Section 2. Any public library that provides a public access computer shall develop and
12 implement, by January 1, 2001, a local policy that establishes measures to restrict minors from
13 computer access to obscene materials.

14 Section 3. Any public school that complies with section 1 of this Act or any public library
15 that complies with section 2 of this Act may not be held liable for any damages that may arise
16 from a minor gaining access to obscene materials through the use of a public access computer

1 that is owned or controlled by the public school or public library.

2 Section 4. For the purposes of this Act, obscene material is defined pursuant to subdivision
3 22-24-27(11).

4 Section 5. For the purposes of this Act, a public access computer is any computer that is
5 located in a public school or public library.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to Judiciary. H.J. 209

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/1/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 310

5 2/4/99 Motion to Amend, Passed, AYES 49, NAYS 15. H.J. 378

6 2/4/99 House of Representatives Do Pass Amended, Passed, AYES 45, NAYS 21. H.J. 379

7 2/4/99 House of Representatives Title Amended Passed. H.J. 380

8 2/5/99 First read in Senate and referred to Education. S.J. 347

9 2/11/99 Scheduled for Committee hearing on this date.

10 2/16/99 Scheduled for Committee hearing on this date.

11 2/18/99 Scheduled for Committee hearing on this date.

12 2/18/99 Education Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 554

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

823C0790

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1258** - 2/5/99

Introduced by: Representatives Peterson, Fischer-Clemens, Jaspers, Koetzle, and Munson
(Donald) and Senators Munson (David), Brown (Arnold), Drake, and Flowers

1 FOR AN ACT ENTITLED, An Act to exempt motor vehicle rental companies from certain
2 insurance regulations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-30 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The provisions of this chapter do not apply to any individual who, in connection with the
7 rental of a motor vehicle, provides contract options to the standard rental agreement which
8 provide motor vehicle and travel related coverages through authorized insurers for a rental
9 period not to exceed ninety days.

1 **BILL HISTORY**

2 1/29/99 First read in House and referred to Commerce. H.J. 268

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 Commerce Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 363

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

822C0437

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1266** - 2/8/99

Introduced by: Representatives Hunt, Brooks, Brown (Richard), Crisp, Diedrich (Larry), and Koetzle and Senators Hainje, Dunn (Rebecca), Everist, Munson (David), Olson, and Paisley

1 FOR AN ACT ENTITLED, An Act to revise the requirements for certifying eligibility for
2 owner-occupied classification.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-13-40 be amended to read as follows:

5 10-13-40. To be eligible for a property classification pursuant to § 10-13-39, the owner of
6 each owner-occupied dwelling, as defined in § 10-13-39, shall submit a certificate to the county
7 director of equalization stating such person is the owner and occupant of the dwelling as of the
8 assessment date pursuant to § 10-6-2. The owner shall state on the certificate the portion of the
9 dwelling so occupied by the owner if it is less than fifty percent of the dwelling or if the dwelling
10 is a duplex, triplex, or fourplex. The owner-occupant shall submit the certificate by March
11 fifteenth. The owner of each manufactured or mobile home as defined in § 32-3-1, shall submit
12 a certificate to the county director of equalization stating such person is the owner and occupant
13 of the dwelling as of the assessment date. The owner-occupant of each manufactured or mobile
14 home shall submit the certificate during the time of registration pursuant to §§ 10-9-3 to 10-9-4,
15 inclusive. If the owner-occupant of a manufactured or mobile home fails to submit the certificate

1 by the date or time frame required pursuant to §§ 10-9-3 to 10-9-4, inclusive, it does not affect
2 the eligibility of the property to be classified as an owner-occupied dwelling. The
3 owner-occupant shall sign the certificate under penalty of perjury. If the director of equalization
4 classifies the property, mobile home, or manufactured home as owner-occupied single-family
5 dwelling, it shall retain the classification until such time as the property ownership is transferred
6 or the property has a change in use. The new owner-occupant of transferred property which is
7 already classified as owner-occupied may meet the requirements of this section by completing
8 and filing the certificate of value required pursuant to § 7-9-7 at the time of the transfer of the
9 property. The Department of Revenue shall prescribe the form of the certificate and the
10 certificate of value required pursuant to § 7-9-7. Appeals regarding the owner-occupied
11 classification shall be made directly to the county board of equalization pursuant to § 10-11-23.

12 Section 2. That § 7-9-7.2 be amended to read as follows:

13 7-9-7.2. The form of the certificate of value required by §§ 7-9-7 and 10-13-40 shall be
14 established by the secretary of revenue by rule promulgated pursuant to chapter 1-26.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to State Affairs. H.J. 281

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 389

5 2/4/99 State Affairs Place on Consent Calendar.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

934C0816

SENATE COMMERCE COMMITTEE ENGROSSED NO. **HB1271** - 2/19/99

Introduced by: Representatives Fitzgerald, Burg, Clark, Hennies, and McCoy and Senators
Kleven and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the licensing of
2 counselor applicants.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-32 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any applicant who entered a doctoral or master degree program in counseling at any
7 accredited institution of higher education in South Dakota, or other accredited institution of
8 higher education, at the discretion of the board, between July 1, 1990, and June 30, 1998, and
9 who has been and continues to be enrolled in that program until graduation is entitled to apply
10 for licensure under the provisions of § 36-32-13, as the provisions of § 36-32-13 existed on June
11 30, 1998. The provisions of this section apply only to applicants who successfully complete such
12 program before July 1, 2000.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to Commerce. H.J. 282

3 2/9/99 Scheduled for Committee hearing on this date.

4 2/9/99 Commerce Do Pass Amended, Passed, AYES 9, NAYS 4. H.J. 429

5 2/11/99 House of Representatives Do Pass Amended, Passed, AYES 45, NAYS 23. H.J. 493

6 2/12/99 First read in Senate and referred to Commerce. S.J. 487

7 2/18/99 Scheduled for Committee hearing on this date.

8 2/18/99 Commerce Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 539

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

751C0746

HOUSE ENGROSSED NO. **HB1279** . 2/10/99

Introduced by: Representatives Brown (Richard), Brooks, Chicoine, Crisp, Davis, Fiegen, Fischer-Clemens, Jaspers, Lucas, and Weber and Senators Rounds, Dunn (Jim), Dunn (Rebecca), Hainje, Hutmacher, Lange, Munson (David), and Staggers

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding mechanics' liens.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any owner or any person entering into a direct agreement with the owner, or the duly
6 authorized agent or representative of the owner, may file with the register of deeds of the county
7 in which the improved premises are situated a notice of project commencement. The notice of
8 project commencement shall contain the following information:

9 (1) The name and address of the person filing the notice of project commencement;

10 (2) The name and address of the owner or developer;

11 (3) A general description of the improvement; and

12 (4) The location of the project, including the legal description of the property.

13 The notice shall be filed within thirty days of the commencement of work and shall be
14 accompanied by a filing fee of ten dollars to be deposited in the county's general fund. The
15 register of deeds in each county shall maintain an index of all notices of project commencements.

1 Section 2. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Any person filing a notice of project commencement shall post the name and address of the
4 contractor and location notice at the job site. The location notice shall contain the following
5 statement: The contractor on this project has filed a notice of project commencement at the
6 county courthouse. Any sub-subcontractor and any supplier to a subcontractor shall comply with
7 the notice provisions of section 4 of this Act before filing liens in connection with this project.

8 Section 3. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 The filing of a notice of project commencement does not constitute a cloud, lien, or
11 encumbrance upon, or defect to, the title of the real property described in the notice, nor does
12 it alter the aggregate amounts of liens allowable by applicable statute, nor does it affect the
13 priority of any mortgage or future advances under any mortgage.

14 Section 4. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 If the provisions of sections 1 and 2 of this Act are first invoked, no sub-subcontractor or
17 supplier to subcontractors is entitled to extend, pursuant to § 44-9-15, a lien created pursuant
18 to subdivision 44-9-1(1), unless the sub-subcontractor or supplier has first provided notice of
19 furnishing labor or materials by certified or registered mail to the contractor identified in the
20 notice of project commencement and has provided a copy of the notice to the owner of record.
21 Notice pursuant to this section shall be made not later than sixty days after doing the last of such
22 work, or furnishing the last item of such skill, services, material, or machinery, and the post
23 office receipt for mailing such notice shall be attached to the lien and filed in the office of register
24 of deeds. Such notice of furnishing labor or materials shall include:

25 (1) The name of the sub-subcontractor or supplier who claims payment;

- 1 (2) The name of the person with whom the claimant contracted or by whom the claimant
2 was employed;
- 3 (3) A description of the labor, services, or materials furnished and the contract price or
4 value thereof. Materials specifically fabricated by a person other than the one giving
5 notice and contract price or value thereof shall be separately stated in the notice;
- 6 (4) A description of the project, sufficient for identification;
- 7 (5) The date when the first and last item of labor or materials was actually furnished or
8 scheduled to be furnished; and
- 9 (6) The amount claimed to be due, if any.

10 Any person who gives notice in accordance with this section may extend a lien as provided
11 in § 44-9-15.

12 This section does not apply to claims of individual laborers when the amount of their lien is
13 less than two thousand dollars.

14 Section 5. The effective date of this Act is July 1, 2000.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 284

3 2/2/99 Referred to Judiciary. H.J. 318

4 2/5/99 Scheduled for Committee hearing on this date.

5 2/5/99 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 391

6 2/9/99 Motion to Amend, Passed. H.J. 447

7 2/9/99 House of Representatives Do Pass Amended, Passed, AYES 64, NAYS 3. H.J. 448

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0871

SENATE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1297** - 2/19/99

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the circumstances under which it is not required
2 to provide reasonable efforts to reunite parents with children adjudicated as abused and
3 neglected.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 26-8A-21.1 be amended to read as follows:

6 26-8A-21.1. Nothing in § 26-8A-21 requires reunification of a child with a parent who:

7 (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-
8 22-19.1, 22-22-22, or 26-10-1 or subdivision 22-22-1(1) or (2);

9 (2) Committed a crime defined in § 22-18-1.1 against the child or another child of such
10 parent; ~~or~~

11 (3) Has had parental rights to another child involuntarily terminated by a prior legal
12 proceeding ~~under § 26-8A-26;~~

13 (4) Has a documented history of abuse and neglect associated with chronic alcohol or
14 drug abuse; or

15 (5) Has demonstrated inability to protect the child from substantial harm or the risk of
16 substantial harm, and the child has been removed from the parent's custody because

1 the child has been adjudicated abused and neglected by a court on at least one
2 previous occasion.

3 Section 2. That § 26-8A-26.1 be amended to read as follows:

4 26-8A-26.1. In addition to the provisions of § 26-8A-26, the court may find that good cause
5 exists for termination of parental rights of a parent who:

6 (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-
7 22-19.1, 22-22-22, or 26-10-1 or subdivision 22-22-1(1) or (2);

8 (2) Committed a crime defined in § 22-18-1.1 against the child or another child of such
9 parent; ~~or~~

10 (3) Has had parental rights to another child involuntarily terminated by a prior legal
11 proceeding ~~under § 26-8A-26;~~

12 (4) Has a documented history of abuse and neglect associated with chronic alcohol or
13 drug abuse; or

14 (5) Has demonstrated inability to protect the child from substantial harm or the risk of
15 substantial harm, and the child has been removed from the parent's custody because
16 the child has been adjudicated abused and neglected by a court on at least one
17 previous occasion.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 287

3 2/2/99 Referred to State Affairs. H.J. 319

4 2/8/99 Scheduled for Committee hearing on this date.

5 2/8/99 State Affairs Do Pass Amended, Failed, AYES 5, NAYS 8.

6 2/8/99 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 411

7 2/10/99 Motion to Amend, Passed. H.J. 468

8 2/10/99 House of Representatives Do Pass Amended, Passed, AYES 50, NAYS 18. H.J. 469

9 2/11/99 First read in Senate and referred to State Affairs. S.J. 455

10 2/17/99 Scheduled for Committee hearing on this date.

11 2/17/99 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 550

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

754C0375

SENATE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HCR1002** - 2/18/99

Introduced by: Representatives Hunt, Apa, Brooks, Crisp, Derby, Diedrich (Larry), Duenwald, Fiegen, Fryslie, Jaspers, Klaudt, McCoy, Napoli, Sutton (Daniel), and Windhorst and Senators Ham, Kloucek, Lange, Madden, Olson, Staggers, and Vitter

1 A CONCURRENT RESOLUTION, Endorsing and supporting international freedom from
2 persecution for religious beliefs.

3 WHEREAS, the right of freedom of religion undergirds the very origin and existence of the
4 United States, since many of our Nation's founders, from John Winthrop to Roger Williams to
5 William Penn, fled religious persecution abroad in order to establish in law, as a fundamental
6 right and as a pillar of our Nation, the right to freedom of religion; and

7 WHEREAS, from its birth to this day, the United States has prized this legacy of religious
8 freedom and honored this heritage by standing for religious freedom and offering refuge to those
9 suffering religious persecution; and

10 WHEREAS, freedom of religious belief and practice is a universal human right and
11 fundamental freedom articulated in numerous international instruments, including the Universal
12 Declaration of Human Rights, the International Covenant on Civil and Political Rights, the
13 Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and
14 Discrimination Based on Religion or Belief, the United Nations Charter, and the European
15 Convention for the Protection of Human Rights and Fundamental Freedoms; and

1 WHEREAS, the right to freedom of religion is under renewed and, in some cases, increasing
2 assault in many countries around the world; and

3 WHEREAS, it is even more abhorrent that religious believers in many countries face such
4 severe and violent forms of religious persecution as detention, torture, beatings, forced marriage,
5 rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in,
6 change of, or practice of their faith; and

7 WHEREAS, in many countries, religious believers are forced to meet secretly, and religious
8 leaders are targeted by national security forces and hostile mobs; and

9 WHEREAS, though not confined to a particular region or regime, religious persecution is
10 often particularly widespread, systematic, and heinous under totalitarian governments and in
11 countries with militant, politicized religious majorities; and

12 WHEREAS, persecution of religious believers around the world has emerged as one of the
13 most compelling human rights issues of the day, in particular, the worldwide persecution and
14 martyrdom of Christians persists at alarming levels, which is an affront to the international moral
15 community and to all people of conscience; and

16 WHEREAS, Chinese Christians and Tibetan Buddhists are now experiencing the worst
17 persecution at the hands of the Chinese government since the 1970s; and

18 WHEREAS, severe persecution of people for their religious beliefs is also occurring in North
19 Korea, Cuba, Vietnam, Indonesia, including East Timor, and in certain countries in the Middle
20 East and the former Soviet Union, to name only a few; and

21 WHEREAS, the militant Muslim government of Sudan is waging what its leader had
22 described as a jihad, or religious war, against Christian and other non-Muslim citizens in the
23 southern part of the country, enforcing Islamic Shari'a law against non-Muslim African Sudanese,
24 torturing, starving, killing, and displacing over one million people, and enslaving tens of
25 thousands of women and children; and

1 WHEREAS, historically, the United States has in many instances failed to intervene
2 successfully to stop anti-Christian and other religious persecution; and

3 WHEREAS, in the past, the United States has forcefully taken up the cause of other
4 persecuted religious believers and the United States should continue to intervene on behalf of
5 persecuted religious believers throughout the world:

6 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
7 fourth Legislature of the State of South Dakota, the Senate concurring therein, that the
8 Legislature urges the United States to:

- 9 (1) Condemn violations of religious freedom, and to promote, and to assist other
10 governments in the promotion of, the fundamental right to freedom of religion; and
11 (2) Seek to channel United States security and development assistance to governments
12 other than those found to be engaged in gross violations of the right to freedom of
13 religion, as set forth in the Foreign Assistance Act of 1961, in the International
14 Financial Institutions Act of 1977, and in other formulations of United States human
15 rights policy; and
16 (3) Work with foreign governments that affirm and protect religious freedom, in order to
17 develop multilateral documents and initiatives to combat violations of religious
18 freedom and promote the right to religious freedom abroad; and

19 BE IT FURTHER RESOLVED, that Senator Thomas Daschle, Senate Minority Leader,
20 be commended for the appointment of Archbishop Theodore McCarrick, who has a strong
21 record of uncompromising opposition towards religious persecution, to the Commission on
22 International Religious Freedom, and that Senator Daschle, with other members of the South
23 Dakota delegation, recommend to the President of the United States the appointment of
24 additional commission members of uncompromising opposition towards religious persecution
25 to the newly created commission on religious persecution, created by the International Religious

1 Freedom Act of 1998.

1 **BILL HISTORY**

2 1/22/99 Scheduled for Committee hearing on this date.

3 1/22/99 State Affairs Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 123

4 1/26/99 House of Representatives Adopt Resolution, AYES 65, NAYS 0. H.J. 189

5 2/17/99 Scheduled for Committee hearing on this date.

6 2/17/99 Concurred in resolution as amended, AYES 8, NAYS 0. S.J. 550

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0688

HOUSE ENGROSSED NO. **HJR1007** - 2/11/99

Introduced by: The Committee on State Affairs at the request of the Governor

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election
2 an amendment to Article IX of the Constitution of the State of South Dakota, authorizing
3 local initiatives to provide for the cooperation and organization of local government.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to
7 Article IX of the Constitution of the State of South Dakota, as set forth in section 2, of this Joint
8 Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

9 Section 2. That Article IX of the Constitution of the State of South Dakota be amended by
10 adding a NEW SECTION to read as follows:

11 § 4. On or after January 1, 2001, the voters of any unit of local government shall have the
12 right to initiate proposals for cooperation within or between local governmental units, either
13 within or without the state, except as the Legislature shall provide otherwise by law. Such
14 proposals may include combining, eliminating, and joint financing of offices, functions, and
15 governmental units. Such proposals shall be adopted if approved at an election by a majority of
16 the votes cast thereon in each affected unit. A number not less than fifteen percent of those

- 1 voting in the last preceding gubernatorial election in each affected jurisdiction may by petition
- 2 initiate the question of whether to adopt the proposal at the next general election.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to State Affairs. H.J. 283

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/4/99 State Affairs Deferred to another day.

5 2/8/99 Scheduled for Committee hearing on this date.

6 2/8/99 State Affairs Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 412

7 2/10/99 Motion to Amend, Passed. H.J. 470

8 2/10/99 Motion to Amend, Passed. H.J. 470

9 2/10/99 House of Representatives Do Pass Amended, Passed, AYES 39, NAYS 27. H.J. 470